

REMARKS/ARGUMENTS

The claims are not modified in the amendment, and no new claims have been added. Therefore, claims 1-16 and 19-20 are present for examination. Claims 1, 9, and 16 are the independent claims. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application in light of the remarks below.

35 U.S.C. §102 Rejection

The Office Action has rejected claims 1-16 and 19-20 under 35 U.S.C. §102(b) as being anticipated by the cited portions of U.S. Patent No. 5,999,599 to Shaffer et al. (hereinafter "Shaffer"). The present invention contains limitations which do not exist in the cited portions of Shaffer relied on by the Office. Specifically, Shaffer does not teach or suggest (1) a criterion or selection manually entered by the user, or (2) correlating an identifier with a pre-recorded voice announcement. It is respectfully believed that the following comments will clarify these issues.

Shaffer Reference: The Office cites Shaffer as disclosing the limitations present in the existing claims, citing broad swaths of Shaffer to support this position (Office Action, June 14, 2005, citing Shaffer, col. 3, line 50 - col. 4, line 49; figures 1 and 2). However, these cited portions of Shaffer describe a system and method which are clearly distinct from the present invention.

In the cited portions of Shaffer, a sender records an audio (or other) message in advance, and the stored clip is sent as part of a message to initiate a telephone call. The audio (or other) message is announced or played to the receiver before two way communication is established, either with rings or in place of rings.

Present Invention: The present invention generally sets forth methods and equipment for alerting a user of an incoming phone call with a pre-recorded voice announcement. However, the following limitations are found in the present invention, but not taught or suggested in Shaffer

First Missing Limitation: Criterion or Selection Manually Entered by User

Independent claims 1 and 9 require receiving a *criterion or selection manually entered* by the *user* before a call is placed to the user. The criterion or selection is then used to correlate an identifier with a pre-recorded voice message. Shaffer simply does not teach or suggest a *criterion or selection manually entered by the user*. The original Specification cites a number of examples of criterion, including "recognizing family members based on known phone numbers Once the criterion is satisfied a recorded message appropriate to that situation could be played" (Original Application, page 10, lines 13-17). No such limitations are taught or suggested in Shaffer.

Second Missing Limitation: Correlating Identifier with Voice Announcement

Independent claims 1, 9, and 16 each call for correlating an identifier with a pre-recorded voice announcement. Shaffer plainly does not teach or suggest *correlating an identifier with a pre-recorded voice announcement*. In Shaffer, a stored clip may be sent in a field of a message initiating a telephone call, and played at the receiver either between rings or instead of rings. Shaffer does not teach or suggest a *correlating* step to correlate an identifier and an announcement according to a criterion, as called for in the present invention. In Shaffer, no such correlation is necessary, as the stored clip is added to the message before the message is sent.

Shaffer clearly fails to teach or suggest a *criterion or selection manually entered by the user*, or *correlating an identifier with a pre-recorded voice announcement* with the criterion. Claims 1, 9, and 16 are allowable for at least the foregoing reasons. Claims 2-8, 10-15, 19 and 20 each recite limitations in addition to those in the independent claims, and these claims are believed allowable for at least the same reasons as given above.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/920,208
Amdt. dated July 28, 2005
Reply to Office Action of June 14, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Michael L. Drapkin
Reg. No. 55,127

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
MLD:klb

60548768 v1